

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7088 of 1997

WITH

CIVIL APPLICATION NO 1564 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

ADARSH STEEL & ROLLING INDUSTRIES

Versus

UKARDI GROUP GRAM PANCHAYAT

Appearance:

MR RN SHAH for Petitioners
MR DR BHATT for Respondent No. 1
MR MUKESH R SHAH for Respondent No. 2
MR KT DAVE, AGP for Respondent No. 3

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 21/08/98

ORAL JUDGEMENT

1. Both these proceedings are taken up for final disposal.

2. Heard. Short grievance of the petitioners is that the revision application filed by the petitioners before the respondent no. 3 came to be decided under the circumstances set out in para. 6 of the petition. Thus it

is the say of the petitioners that they did not have the opportunity of having their say before the revisional authority. The decision rendered by the revisional authority is therefore, subjected to challenge in this writ petition.

3. It is not in dispute that the petitioners were not heard, although under the circumstances which have been set out in para. 6 of the petition. It would, therefore, be just and proper to direct the respondent no. 3 to hear the petitioners in the revision which came to be filed by them before the respondent no.3 and take a decision in accordance with law in the said revision application.

4. Hence, in the circumstances of the case, following direction is issued :-

The impugned order dated 9/9/1997 passed by the respondent no. 3 in Revision Application No. 329 of 1996 will stand set aside and the matter is remanded to the respondent no. 3 for hearing the revision application on merits. The revision accordingly be heard as expeditiously as possible, preferably within a period of three months from the date of receipt of writ of this direction and appropriate decision will be taken after hearing the petitioners in the matter.

Rule is made absolute only in the aforesaid terms. As the main matter is disposed, civil application will not survive. Hence, the same is disposed of accordingly. No order as to cost. D.S.P.

PVR. * * *